

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHNNIE MAE OWENS

PLAINTIFFS

VS.

CAUSE NO.: 3:17-CV-00314-DPJ-FKB

**THE KROGER CO., AND
JOHND DOES 1 THROUGH 5**

DEFENDANTS

MOTION TO STRIKE PLAINTIFF’S EXPERT, JEFFREY ALI, M.D.

Kroger respectfully moves the Court to grant the instant Motion to Strike and exclude any medical records or opinions by Jeffrey Ali, M.D., as follows:

Plaintiff’s expert designation deadline was October 4, 2017. Plaintiff designated as one of her experts, Jeffrey Ali, M.D. (see Plaintiff’s Designation of Experts, attached hereto as Exhibit A). Plaintiff did not provide any opinions or medical records as required by Fed. R. Civ. P. 26, or the local rules, or the case management order [DOC #5]. The Designation merely states that: “Dr. Ali is expected to testify to the facts and opinions contained in his reports and records, copies of which will be produced when received.”

Kroger respectfully submits that any future disclosures will be improper under the Rules and untimely pursuant to this Court’s Order, Defendant moves the Court to strike Dr. Ali as an expert and to exclude any medical records or opinions by him at trial.

Furthermore, Defendant requests any and all other and additional relief as the Court deems necessary and proper in accordance with Uniform District Court Rules and the Federal Rules of Civil Procedure.

In support of its Motion, Target submits the following exhibits attached hereto:

Exhibit A: October 3, 2017 Plaintiff’s Designation of Experts

RESPECTFULLY SUBMITTED, this the 10th day of October, 2017.

The Kroger Co.
Defendant

BY: /s/Monte L. Barton Jr.
MONTE L. BARTON JR.
JOHN S. GRAHAM

OF COUNSEL:

Monte L. Barton Jr. (MSB #2095)
John S. Graham (MSB #100364)
JERNIGAN, COPELAND & ANDERSON, PLLC
587 Highland Colony Parkway
Post Office Box 2598
Ridgeland, MS 39158-2598
Telephone: (601) 427-0048
Facsimile: (601) 427-0051
Email: mlbarton@jcalawfirm.com
jgraham@jcalawfirm.com

CERTIFICATE OF SERVICE

I, the undersigned, attorney of record for Defendant, Target Corporation, do hereby certify that I have this day served, via ECF filing system, a true and correct copy of the above and foregoing document to the following counsel of record:

David R. Wade (MSB #99699)
WADE & ASSOCIATES
P. O. Box 321027
Flowood, MS 39232
Telephone: (601) 981-3360
Fax: (601) 914-0350
Email: lawyerwade@hotmail.com

Counsel for Plaintiff

THIS, the 10th day of October, 2017.

/s/Monte L. Barton Jr.
MONTE L. BARTON JR.